

Approved Minutes
Friend of the Court Bureau
Advisory Committee Meeting
State Court Administrative Office - Lansing, MI
Thursday, October 10, 2002

MEMBERS PRESENT: Hon. Mabel Mayfield, Susan Licata Haroutunian, Lynn Bullard, Murray Davis, Patti Holden, Linda Cunningham, William Brooks, Anthony Paruk, David Meyers and Gail Schneider-Negrinelli

MEMBERS ABSENT: Mike Keeler

STAFF PRESENT: Bill Bartels and Darla Brandon

PUBLIC ATTENDANCE: None

1. CALL TO ORDER

The meeting was called to order by Susan Haroutunian at 9:37 a.m.

- a. The Advisory Committee was introduced to Nadine Klein. Ms. Klein practices family law and serves on the Kent County Citizen's Advisory Committee. She fills the open 3-year attorney member role.

- b. Re-appointments

Linda Cunningham will continue on the advisory committee as a human services professional member for another year, and Patti Holden has accepted an additional three year term as a public member.

- c. Annual Business Meeting

- i. Election of chairperson - Mr. Davis made a motion nominating Dr. Brooks as chairperson of the committee. Motion seconded by Ms. Cunningham. There were no other nominations. **Motion passed unanimously.**
- ii. Election of vice-chairperson - Ms. Cunningham made a motion nominating Ms. Holden as vice-chairperson. Mr. Davis made a motion to nominate Judge Mayfield, and Ms. Klein seconded the motion. Ms. Holden withdrew from her nomination from consideration. **Motion passed unanimously.**
- iii. 2003 Meeting Dates - The future meeting dates are 1/9, 4/10, 7/10, and 10/9/03

iv. Future meeting place - Future meetings will be at the Michigan Hall of Justice. The committee will receive a map and directions to the new location.

- d. Appreciation of Service - Ms. Haroutunian was presented with a plaque thanking her for six years of service on the committee.

2. **ROUTINE BUSINESS**

- a. Approval of the August 8, 2002 Minutes

A motion was made to approve the August 8, 2002 meeting minutes with the following corrections: (1) On page six under number four; New Business, delete section a., and (2) on page four, under shared economic responsibility, change Mr. Brooks to Dr. Brooks. **Motion passed unanimously.**

- b. Correspondence - The committee reviewed a letter from Ms. Cindy Souza regarding the interpretation of the statement regarding retroactivity of the Shared Economic Responsibility section, and the response by Mr. Bartels. The committee agreed there was no need for further correspondence to Ms. Souza since the issue was addressed in the proposed changes.

- c. Public Comment None.

- d. Subcommittee Reports

- i. FSC Meeting minutes - Mr. Bartels informed the Committee that the Child Support Formula Standing Subcommittee meetings have been changed to all day quarterly on the second Tuesday of the of the second month of the quarter. The last meeting was July 9, 2002, there are no additional minutes to review.

- e. Legislative Update

- i. Information Only - the Committee was provided with a summary of passed legislation for their review. These are also available on the Michigan Legislature's website at <http://www.michiganlegislature.org>.

- f. Bureau Update

Mr. Bartels stated that Colleen Condren-Newcomer, a management analyst in the bureau, has relocated to St. Louis, MO. There are currently three vacant analyst positions in the bureau and the likelihood of only one being filled.

3. UNFINISHED BUSINESS

a. Changes to formula manual

- i. Note - monthly orders. - Mr. Bartels informed the committee that the manual would be converted to monthly amounts, since PA 565 of 2002 required orders to state support in monthly amounts. The SCAO will be distributing a policy to convert existing orders amounts.
- ii. Health Care/Medical Support - Mr. Bartels stated that Health Care includes how to handle the determining which parent will provide insurance, ordinary and extraordinary expenses. Mr. Bartels presented a slide show regarding these issues and information was also provided by e-mail to the Committee prior to the meeting. The Subcommittee addressed did not address several of these issues.

One question that was not addressed by the subcommittee was whether a 90/10 limit as it currently exists in the manual should apply to all medical expenses. Judge Mayfield commented that the idea is not a presumption, but the likelihood that both parents will share equal amount of parenting time. Mr. Davis added that this is addressing when both parents cannot get along, and the simpler it can be done, the more it will benefit both parties. Mr. Paruk added that the numbers should stay consistent and whatever is proposed and placed in the formula manual should also be communicated to have it also implemented in the computer system.

Ms. Klein made a motion to include the 90/10 limit language in all healthcare sections. Judge Mayfield seconded the motion. **Motion passed unanimously.**

Mr. Paruk made a motion that proposed section 3.08(A)(2) on allocation of premiums between parents be adopted as written. Mr. Davis seconded the motion. **Motion passed unanimously.**

Subcommittee Recommendations - Premiums for other children. The subcommittee recommends changing Sections IIK and IIL. A motion was made by Ms. Cunningham and seconded by Judge Mayfield to implement these changes. **Motion passed unanimously.**

Determining Responsibility to Insure: (Section 3.08(B)).

Mr. Paruk questioned that this is saying that only one person is responsible and not both. Mr. Bartels provided the background and statutory language. Ms. Klein commented that there needs to be education and knowledge to the attorneys about this.

A motion was made by Ms. Cunningham to accept the recommendation of the subcommittee for the addition of responsibility to insure (Section 3.08(B)(1)). Ms. Klein seconded the motion. **Motion passed unanimously.**

Ordinary Health Care Expenses (3.08(C))

Currently these costs are 50/50 instead of a ratio income and includes only over the counter expenses. The definition would change to co-payments, and health care related expenses. The committee discussed how the payment of ordinary medical expenses would work according to the handouts and following Mr. Bartels slide presentation.

Ms. Klein made a motion to accept the recommendation language of the proposed section 3.08(C) with the amendment of \$50 to \$25 an occurrence. Judge Mayfield seconded the motion. Vote: 3 opposed, 4 agreed. **Motion passed.**

Mr. Davis stated his dissent to this motion on the principle of lack of records in the inclusion of co-payments in the aspect of this section. He believes it is discriminatory and unfair for payers and payee's alike.

Ms. Holden stated her dissent because she believes co-pays should not be included and this will increase the likelihood of pitting parents against each other.

Mr. Paruk stated his dissent because he feels that members of the FOC community were not present and were unable to provide comments with respect to this matter.

Extraordinary Expenses. Ms. Klein made a motion to adopt the language 3.08(D) and all the subparagraphs. Mr. Paruk seconded the motion. **Motion passed unanimously.**

Abatements and Adjustments A motion was made and seconded to adopt the proposed section 3.08(E) and remove the language about parenting time. **Motion passed unanimously.**

Reasonable Cost of Insurance

Mr. Bartels provided a slide over view. Currently, the Office of Child Support's (OCS) policy is different from what is in the formula manual. OCS says that the reasonable cost of healthcare is 50% of net earnings minus the child support payments, minus \$1 arrearage payment, which causes a number of problems. Ms. Holden made a motion to approve the recommended language in the reasonable cost of healthcare insurance as proposed in section 3.08(B)(3). Ms. Klein seconded the motion. **Motion passed unanimously.**

The remainder of the agenda will be table for the next meeting January 9, 2003.

Adjourn

The meeting was adjourned at 2:29 p.m.

Respectfully submitted,

Darla Brandon
Trial Court Services